

Indiana Court Times

Supreme Court, Division of State Court Administration www.state.in.us/judiciary/admin

Volume 9 Summer 2000 Number 2

Trial Court Employees and Clerk Seminar

The Indiana Supreme Court, through its Division of State Court

Administration, Supreme Court Administrator's Office, and the Indiana Judicial

Center, will sponsor a series of three full day workshops for trial court and elected clerk's staff. The training will focus on the new Indiana Rules of Appellate Procedure, preparation of statistical reports and Trial Rule 77 requirements.

The seminars will be held according to Judicial Districts. Dates and sites are as follow:

- ◆ Judicial Districts 4, 6, 7, 8, and 9—Tuesday, September 26, 2000 Indianapolis Marriott Hotel East, Indianapolis
- ◆ Judicial Districts 1, 2, 3, and 5—Wednesday, September 27, 2000 South Bend Century Center, South Bend
- ◆ Judicial Districts 10, 11, 12, 13 and 14—Friday, September 29, 2000 Lakeview Holiday Inn, Clarksville

Due to space limitations, attendance will be limited to two employees per judge and two employees per elected clerk. Each judge and each

clerk has been invited to nominate two employees to attend. Requests from others will be accommodated if additional space is available on a first come first serve basis. Registration forms must be returned to the Division of State Court Administration no later than **August 31**, **2000**. Questions about the seminar or registration may be directed to John Newman or Tom Jones at 317-232-2542 or e-mail inquiries to jnewman@courts.state.in.us or tjones@courts.state.in.us.

STATISTICAL REPORTICIO

TRIAL RULE 77 REQUIREMENTS

Three New Judges Appointed to Appeals Court

Since January 2000, Governor O'Bannon has appointed three new judges to the Indiana Court of Appeals.

They are the Honorable Nancy H. Vaidik, former judge of the Porter Superior Court, appointed to the third district seat on the Fourth District of the court; the Honorable Paul D. Mathias, formerly of the Allen Superior Court, and the Honorable Michael P. Barnes, former South Bend lawyer and St. Joseph County Prosecutor, both of whom serve on the court's Third District. The vacancies filled by the three occurred when Justice Robert Rucker, Jr., was elevated in 1999 to the Indiana Supreme Court and when two Third District jurists retired—Judge William I. Garrard and Judge Robert H. Staton.

Vacancies on the appellate courts and the Tax Court are filled by

the Governor, who selects each of his appointees from a list of three candidates submitted by the Indiana Judicial Nominating Commission. Candidates for appellate vacancies must have been attorneys for at least ten years, or judges for at least five years. Appellate court judges run in retention elections approximately two years after their appointments, then run again for retention every ten years.

Indiana Judges' and Lawyers' Assistance Program

The Early Stages

The Indiana Supreme Court created an Indiana Judges and Lawyers Assistance Program through the adoption of Admission and Discipline Rule 31. The creation of JLAP brought together the functions of the Indiana State Bar Association's Lawyers Assistance Committee and the Indiana Supreme Court's Judicial Assistance Pilot Program.

In November 1999, the Supreme Court appointed Susan B. Eisenhauer, a 1982 graduate of the University of Wisconsin Law School to be the first full time Executive Director of JLAP.

The purpose of JLAP is to provide assistance to judges, lawyers and law students who suffer from physical or mental disabilities that result from disease, chemical dependency, mental health problems or age that impair their ability to practice. The goals of the new program are to increase awareness of the problems of impairment among lawyers and judges and to protect clients and litigants from the harm caused by the impairment.

A court appointed Committee composed of five judges, nine attorneys and one law student oversees JLAP. The 2000-2001 Committee includes: Chair Edward B. Hopper, II, Indianapolis; Vice-Chair Honorable Sally H.

Gray, Greencastle; Treasurer Timothy R. Dodd, Evansville; Co-Secretary James Stanton, Hobart; Indiana University Law Student/Co-Secretary Brita Martin; Honorable John T. Sharpnack, Indianapolis; Honorable Mary Lee Comer, Danville; Honorable Anthony C. Meyer, Aurora; Vicki Battle-Cashwell, Gary; Dean Dobbins, Greenfield; Thomas A. Fara, LaPorte; J. Frank Kimbrough, Fort Wayne; James L. Lowry, Danville; George B. Tofaute, Terre Haute.

Currently, JLAP is completing a review of its operations, an analysis of existing program and service delivery models nation-wide, and a canvassing of the state to determine available resources and how to structure JLAP best to meet the needs of Indiana's judges, lawyers and law students. In April, a two-member team from the ABA's Commission on Lawyers' Assistance Programs visited JLAP for two days, conduct-

ing extensive interviews and gathering data in order to develop recommendations on how JLAP might go forward at this critical stage. This information will be used to help determine JLAP's direction and develop its strategic plan for the future.

In the meantime, JLAP continues to assist judges, law students and attorneys in need. Individuals who access JLAP on their own, or are referred outside of the formal disciplinary process can be assured of total confidentiality (see Rule 31, and Rules of Professional Conduct 1.6 and 8.3.) Those who are referred to JLAP as a part of the formal disciplinary process receive confidentiality to the degree allowed by their individual monitoring contracts.

JLAP can be reached at: 101 West Ohio Street, Suite 2000, Indianapolis, IN Phone: 317/684-6880, Fax: 317/684-6881, e-mail: seisenha@courts.state.in.us.

Judicial Administration Committee of the Judicial Conference of Indiana Begins Update of Weighted Caseload Measures System

The Judicial Administration Committee of the Judicial Conference of Indiana has undertaken as its next project the update of the Weighted Caseload Measures System originally initiated by the committee.

The first time study and case file reviews were conducted during 1994 through 1996 under the leadership of the committee. At that time, more than 100 judicial officers throughout Indiana participated in the study. More than 13,000 case files were examined. Since that time, new legislative changes in the laws and procedures governing certain cases, such as the community transition programs and additional findings in hearings for CHINS cases have impacted the average times originally determined by the study. In addition, the committee plans to determine separate average times for certain types of cases, such as homicide and Class A, B, and C felonies. The Hon. Frances Gull, Allen Superior Court, chairs the committee. Questions about the update may be directed to Lilia Judson, 317-232-2542, ljudson@courts.state.in.us or Jeff Bercovitz, Indiana Judicial Center, 317-232-1313 or jbercovi@courts.state. in.us.

Indiana Hosts Meeting on Full Faith and Credit of the Violence Against Women Act

Chief Justice Shepard and the Indiana judiciary hosted at Indianapolis a regional meeting on implementing full faith and credit of the provisions of the Violence Against Women Act.

The meeting took place on June 7-9 and called together tribal and state representatives from a broad spectrum of organizations dedicated to the effective implementation of this law. The focus of the meeting was the successful implementation of the law's provision requiring full faith and credit for protective orders across state and tribal lines. The goals of the meeting were to increase understanding of the requirements of the full faith and credit provisions of the act, identify and work toward reducing barriers to enforcement, and encourage collaboration among the different disciplines involved in the process.

More than one hundred representatives from Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee and Wisconsin participated in the three-day event. Indiana was represented by twenty-five team members and facilitators. Among them were the Hon. Cynthia Ayers, Marion Superior Court; Hon. John Forcum, Blackford County Court; Jeffrey Gully, Magistrate of Allen Superior Court; Hon. Sheila Moss, Lake Superior Court, County Divison 2; Hon. Ruth Reichard, Marion County Superior Court; Hon. Michael Witte, Dearborn County Court; Tammy Baitz, Hamilton County Clerk; Laura Berry, Executive Director of the Indiana Coalition Against Domestic Violence; Kelly Campbell from the Marion County Superior Court Administrator's Office; Ann Delaney, Executive Director of the Julian Center; Paje Felts, from the Indiana State Bar Association; Stephen Johnson, Executive Director of the Indiana Prosecuting Attorneys Council; and Major Fred Pryor from the Indiana State Police.

The meeting was sponsored by the National Center for State Courts, the National Criminal Justice Association in collaboration with the Pennsylvania Coalition Against Domestic Violence, and the Vera Institute of Justice, the Conference of Chief Justices, and the Conference of State Court Administrators. It was funded through a grant from the Violence Against Women Office with the U.S. Department of Justice.

Marion County Courts Announce Hook up to Telephone Interpreter Services for 140 Languages



T he Marion County Courts announced that they have signed up for a phone service that provides interpreters of more than 100 languages at a moment's notice.

"This isn't intended for long court proceedings," said Presiding Judge Patricia Gifford. "But it is perfect for brief bail hearings and initial hearings." It works like this: If a defendant or litigant needs court proceedings or questions translated, the judicial officer calls Language Line on a speakerphone. The service then puts a specific language request through its national network of interpreters. Within a minute, an interpreter is on the line. The judicial officer then swears in the interpreters and continues with the proceeding.

The service costs an average of \$3.50 per minute and varies with specific languages. Previously, the

court had to pay a minimum fee of two hours of an interpreter's time at an average of \$50 per hour, regardless of the length of the hearing. In all, the court paid \$6,925 in 1999 for interpreters for 18 different languages. Those costs exclude Spanish interpreters because the court has several full-time, onsite interpreters for Spanish-speaking people.

"Often times, cases dragged on because of the difficulty of finding interpreters, then scheduling proceedings to fit their schedule, even for the briefest of court appearances. This service will help us move cases much more quickly,"

Judge Gifford said. The service also will enable some defendants to get out of jail sooner. Currently, if a defendant cannot understand questions about employment, residence or identity during a hearing to set bail, he or she is held in jail until the information can be obtained. Now the bail commissioner can call Language Line, which is available 24 hours a day, 7 days a week. Questions about the Marion Superior Court experience may be directed to Janice Malavenda, Court Administrator at, 317-327-4513 or jmalaven@indygov.org or Lisa Allen, Director of Community Relations at 317-327-2411 or ljallen@indygov.org.

Committee Appointed to Study Court Reporting Systems

Chief Justice Randall T. Shepard appointed a six-judge ad hoc committee to study innovations in court reporting automated systems.

The Hon. Daniel J. Vanderpool, Wabash Circuit Court, chairs the committee. Other members include Hon. Jeffrey R. Smith, Carroll Superior Court; Magistrate Harold Brueseke, St. Joseph Probate Court; Hon. Frederick Schurger, Adams Circuit Court; Hon. Terrance J. Cody, Floyd Circuit Court; and Hon. Stephen R. Heimann, Bartholomew Circuit Court. A primary focus of the inquiry will be the application of voice recognition technology in the

court reporting arena. Questions about the committee's work may be directed to Lilia Judson or Kurt Snyder at 232-2542, <u>ljudson@courts.state.in.us</u> or <u>ksnyder@courts.state.in.us</u>.

Statistics

Clarification to Year 2000 QCSR Reporting Forms

The Quarterly Case Status Report (QCSR) Form was modified for the 2000 reporting year to include tracking mechanisms intended to capture case and resource movements following the Local & District Caseload Redistribution effort. Many questions have been raised specifically relating to lines T and U under Part III, the use of transfer cases, and about the entire Part V. This instruction is intended to answer such questions.

Venued In/Venued Out

Cases which are moved from one court to another court in the same county should be counted as "disposed" under the "transferred out category" by the sending court. Such cases should be given a new case number to reflect the receiving court's identifier and should be counted as a "transferred in" cases in the receiving court. Cases which are moved from one county to another should be treated in the same manner. However, they should be counted in the "venued out" category by the same sending court and in the "venued in" category by the receiving court.

Special Judge Matters in Part III, Lines T and U Of the Report Form

Lines T & U are to be used to report service on specific cases; such as special judge appointments. Line T should reflect the cases in which a special judge or a transferred judge assumes jurisdiction of a particular case. Line U of the report should reflect the specific number of cases in which the reporting judge has

assumed jurisdiction in another court, either as special judge or in some other transfer capacity.

Ultimately, the cases recorded on line T will be subtracted from the reporting court's weighted caseload statistics because those cases are being handled by a judicial officer from another court. Cases recorded on line U will be added to the reporting court's weighted caseload statistics because those cases are being handled by the reporting judge. Please note that these two lines are to be used only when a case remains in the original court and only when the judge assumes full jurisdiction for the case. If the case is transferred or venued to the special judge's court, it should be counted as a transfer/venue case as noted above.

Transfer of Judicial Time in Part V

This section of the QCSR is designed to capture instances where a court or judicial officer gives or receives a block of time on a regular basis to/from another court. This section was added to the QCSR because some counties and some

districts chose to move resources rather than cases. Time should only be recorded here if the court providing or receiving assistance does so without assuming full jurisdiction on particular cases (those would be recorded in Part III). Examples of events recorded in Part V might include a senior judge who provides assistance on a regular basis throughout the quarter, a *pro tem* who provides regular assistance throughout the quarter, or a judicial officer from another court who regularly provides assistance in blocks of time. If the reporting judge or other judicial officers serving the reporting court provide blocks of time to other courts, that time should be recorded in the appropriate spaces. Very small amounts of time, or assistance that is provided sporadically (for example, a pro tem that serves one hour in the quarter to cover for a particular meeting or seminar) may require more effort to track than benefit our reporting purposes, so some discretion may be used in these circumstances.

Family Court Pilot Project

Johnson, Monroe and Porter Counties Chosen as Pilot Sites

In February of 2000 the Supreme Court announced the selection of Johnson, Monroe, and Porter Counties as the three pilot sites for the Indiana Family Court Project. The pilot family courts will coordinate various judicial activities affecting particular family cases. The counties will share approximately \$150,000 per year for a two-year grant period that will end December 31, 2001.

The three pilot projects have some similar and unique factors. All of the pilot family courts will have jurisdiction to hear the following types of cases:

Abuse and neglect, termination of parental rights, delinquency, paternity, divorce, mental health, guardianship, adoption, protective orders, and some criminal cases relevant to the family situation

However, none of the pilot counties will hear all of the cases filed in these categories. Each pilot county will screen for families involved in multiple court cases, and select those families most in need of case and service coordination.

Two of the pilot courts (Monroe and Johnson) are developing a "one judge-one family" model. These counties will utilize a family court case manager to identify problem families, link and transfer all of the related cases of family members before one judicial officer, coordinate service delivery, and monitor the case to closure. Porter County will likewise transfer some related family law cases before the same judge, but given its current organizational structure, multiple case families may still appear in front of more than one judge. Porter County will utilize a case manager to coordinate between the different judges involved with the family.

Two of the counties (Monroe and Johnson) will include select complex custody cases in their family courts, even when the families don't have other pending cases. These counties will work with community resources to develop necessary mediation, visitation, and other programming to more effectively resolve chronic custody disputes.

As part of the process, each of the participating courts has convened a local advisory task force comprised of bar members and other key players engaged in family law cases.

In order to facilitate the smooth operation of the projects, the task force and project participants proposed for adoption by the Supreme Court, a set of unique Family Court Project Rules of Procedure to be used by the pilot counties for the duration of the project. The Supreme Court recently approved the proposed rules. Also, as a result of a collaborative effort with the consultant, the Division of State Court Administration was awarded a grant through the Indiana Criminal Justice Institute to evaluate the projects' success and to conduct a state-wide needs assessment of family court principles. Plans for the evaluation process are under way. For more information about the Family Court Project, please contact Frances Hill at 812-336-2255 or frances_hill @hotmail.com.

The key persons in each family court pilot project are:

Johnson County

Judge Mark Loyd

Magistrate Craig Lawson

Court Administrator Donna Sipe, 317-365-2904

Family Court Manager Joan Phifer

Monroe County

Judges Viola Taliaferro and Marc Kellams

Court Administrator John Rucker, 812-349-2617

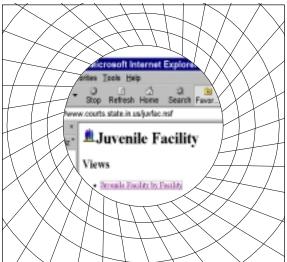
Facilitator Marie Young, 812-349-2623

Porter County

Judge Mary Harper

Family Court Coordinator Allison Cox, 219-464-2118

Family Court Case Managers Martha Wischmeyer and Marc Brow



Now Available on the Judicial Website

Roster of Residential Child Care Facilities

For a quick reference to a roster of available residential juvenile child care facilities, visit the Indiana Judicial Web Site at www.courts.state.in.us/ juvfac.nsf.

The roster is a database which was developed specifically for the Indiana Judiciary by the Indiana Judicial Center. The roster provides information that a court having juvenile jurisdiction needs to select an in-state placement of a child that has been adjudicated a child in need of services or a delinquent child.

This roster provides information on residential child care facilities such as space availability, services offered, average length of stay, anticipated availability, and per diem expense. Questions about the roster may be directed to Anne Jordan at 317-232-1313 or ajordan@courts.state.in.us.

STAD Hires Director and Counsel of Trial Court Technology

Kurt Snyder has joined the staff of the Division of State Court Administration as Director and Counsel of Trial Court Technology.

He will help enhance and update Indiana judicial technology by serving as the principal staff person of the Judicial Technology and Automation Committee which is chaired by Justice Frank Sullivan. Kurt also will be responsible for the continued development of websites for the Supreme Court and its related agencies.

Mr. Snyder, a lawyer, recently served four years as the Assistant Consultant on Legal Education to the American Bar Association where he worked on issues involving legal education, bar admission matters, and the law school accreditation process. He conducted research projects and studies, helped evaluate law schools both nationally and internationally, and handled complaints against law schools. As Assistant Consultant, he was responsible for the production of many publications and was heavily involved in all technology initiatives.

He graduated from Wabash College in 1989 and from Indiana University School of Law—Indianapolis in 1996. Chief Justice Randall T. Shepard said, "Kurt will bring our court system into the 21st Century."

Judge Viola Taliaferro Honored as "Woman of the Year"

The Bloomington Commission on the Status of Women recently honored Monroe Circuit Court Judge Viola Taliaferro with its "Woman of the Year" distinction. Judge Taliaferro, who has presided in Monroe Circuit Court, Division 7, since 1995, is known for her interest in children's justice issues.

The Commission on the Status of Women, along with several other agencies, bestows the distinction each year to celebrate a woman who is an inspiration to community service, who provides a positive role model for girls and women, and who is professionally accomplished. The Commission is a part of the Community and Family Resources Department of the City of Bloomington, and its mission is to assure that women and men have equal opportunity to function fully and optimally as citizens of the city.

In an interview with the Bloomington Herald-Times, Judge Taliaferro noted that the award represents "what women are capable

of doing and the responsibility that I think every woman who has achieved, or even women who are not recognized, have to be role models for other women. And also, I think it is a statement about us as individuals. And that we should not be considered inferior in any way because of our gender."

Judge Taliaferro, who has chaired the Juvenile Justice Improvement Committee of the Judicial Conference of Indiana and who has served on the Board of Directors of the Indiana Council of Juvenile and Family Court Judges, noted further that she would like to address the question of how to provide better training and

marketable skills for women entering the job market. "I have always had a concern about education and children going to school, young people making good decisions and teenagers avoiding becoming pregnant. These are related issues. It all goes to the quality of one's life. And, yes, I am concerned about those things."

Among the improvements she would like to help foster during her tenure as Woman of the Year are to help single families and children receive better health care, and to assist women entering the job market to obtain better training and develop more marketable skills.

Trial Rule 77 and Automated Case Management Systems

The provisions of Trial Rule 77 (J) control the nature and substance of court records whether they are maintained in a manual or automated format. It is important to keep in mind the provisions of Trial Rule 77 which state that:

"The recordkeeping formats and systems employed for the chronological case summary, the case file, and the record of judgments and orders (order book) shall be approved by the division of state court administration for compliance with the provisions of this rule."

Trial Rule 77 governs the basic trial court records that must be maintained by a court, with the assistance of the clerk. The basic requirements have been incorporated within the AIMS standards. However, it is important to keep in mind, that while the AIMS standards are not yet mandatory for automated case management systems, the provisions of Trial Rule 77 are mandatory for both automated and paper systems.

The four fundamental requirements set out in Trial Rule 77 are:

- ♦ a chronological case summary (CCS),
- a record of judgments and orders (RJO),
- ♦ the case file; and
- an indexing system.

Continued on page 9

Library Management

Supreme Court Law Library

SJI-Supported Grant Publications



The following titles have been received by the Indiana Supreme Court Law Library in its capacity as a repository for State Justice Institute grant products. This list continues the columns published in previous issues of Indiana Court Times. SJI publications can be borrowed from the library by calling (317) 232-2557.

- 1. <u>Truth-in-Sentencing in Virginia</u>: <u>Evaluating the Process and Impact of Sentencing Reform</u>, National Center for State Courts, 1999. KFV 2983.2.T78.
- 2. Alaskan Natives and Other Minorities in the Special Education Programs of Four Alaskan School Districts, Los Angeles, Alaska Advisory Committee to the United States Commission on Civil Rights, 1999. KFA 1705.6.E3 A45 1999.
- 3. <u>Orientation Materials for New Probate Judges</u>, New Mexico: Judicial Education Center, 1999. KFN 4125.O74 1999.
- 4. The Impact of Race and Ethnicity on Charging and Sentencing Processes For Drug Offenders in Three Counties of Washington State, Olympia, WA.: Washington State Minority and Justice Commission, 1999. RC 489.F45 E53 1999.
- 5. Examining the Work of State Courts, 1998 A National Perspective from the Court Statistics Project, Williamsburg, VA.: National Center for State Courts, 1999. KF 180 .E93.
- 6. <u>State Court Caseload Statistics</u>, 1998 <u>Supplement to Examining the Work of State Courts</u>, 1998, Williamsburg, VA.: National Center for State Courts, 1999. KF 180.S85.
- 7. Civil Rights Enforcement Efforts in North Dakota,

- North Dakota Advisory Committee to the U.S. Commission on Civil Rights, 1999. KFN 9011 .C58 1999.
- 8. Community Forum on Race Relations in Grand Rapids, Grand Rapids, MI., Michigan Advisory Committee to the U.S. Commission on Civil Rights, 1998. F 574.G7 U55 1998.
- 9. New Hampshire Statewide Conference on Juvenile Justice, Concord, NH.: Office of Administrative Justice, 1999. KFN 1796. Z9 N421 1999.
- 10. <u>Drugs, Courts and Neighborhoods</u>, New York, NY.: Center for Court Innovation, 1999. KF 3890.B4 D7 1999.
- 11. <u>Guide to Community-Based Alternatives for Low-Risk Juvenile Offenders</u>, Topeka, KS.: Koch Crime Institute, 1999. KF 9755 .M38 1999.
- 12. <u>Racial Harassment in Vermont Public Schools</u>, Vermont Advisory Committee to the United States Commission on Civil Rights, 1999. LC 212.22 .V5 R33 1999.
- 13. <u>Child Victims Act Model Courts Project Status Report</u>, Reno, NV.: Permanency Planning for Children Department National Council of Juvenile and Family Court Judges, 1999. KF 3736.5. Z95 C452 1999.
- 14. Deskbook For New District and Metropolitan Court <u>Judges</u>, Albuquerque: New Mexico Judicial Education Center, 2000. KFN 4125.5 .E3 D47.

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Trial Rule 77 spells out specific elements that must be included in each one of these records. The three broad data elements are (1) the caption which contains identifying information about litigants, attorneys, the nature of the cases and its status; (2) references to other records required by state or the Indiana State Board of Accounts, such as fee books; and (3) the chronology of events of the case, including if and when notice is sent and full entries in the Record of Judgments and Orders. In automated case management systems, data fields might exist electronically unrelated to one another. Nonetheless, the CCS must reflect the above elements in a single location. These and all other Trial Rule 77

Trial Rule 77 and Automated Case Management

requirements apply equally to all automated case management systems as they do to manual, paper systems. Thus, whether a court maintains a manual or electronic case management system, the records must conform to Trial Rule 77.

The division staff is available to assist judges, clerks and vendors in meeting the requirements of Trial Rule 77. Sample forms are available in the *Trial Court Administrative Manual*. Questions may be directed to John J. Newman, Information Management Section, Division of State Court Administration at (317) 232-4703 or e-mail jnewman@ courts.state. in.us.

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to dguthrie@courts.state.in.us to have your name added to our electronic list and removed from our hardcopy mailing list.

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Please Circulate to Co-workers

This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.

Indiana Court Times

Division of State Court Administration 115 W Washington ST STE 1080 Indianapolis IN 46204-3417



Deadline for registration of the fall workshop for Trial Court and Clerk employees is August 31, 2000. Don't be left in the fog, mail or fax your registration forms today!